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Warren Woodward
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**BEFORE THE ARIZONA CORPORATION COMMISSION**

**COMMISSIONERS**
DOUG LITTLE, CHAIRMAN
BOB BURNS
TOM FORESE
BOB STUMP
ANDY TOBIN



| | |
|---|---|
| IN THE MATTER OF THE APPLICATION OF ARIZONA PUBLIC SERVICE COMPANY FOR A HEARING TO DETERMINE THE FAIR VALUE OF THE UTILITY PROPERTY OF THE COMPANY FOR RATEMAKING PURPOSES, TO FIX A JUST AND REASONABLE RATE OF RETURN THEREON, TO APPROVE RATE SCHEDULES DESIGNED TO DEVELOP SUCH RETURN. | DOCKET # E-01345A-16-0036 |
| IN THE MATTER OF FUEL AND PURCHASED POWER PROCUREMENT AUDITS FOR ARIZONA PUBLIC SERVICE COMPANY | DOCKET # E-01345A-16-0123 |

**MOTION TO COMPEL COMPLIANCE WITH FEBRUARY 6, 2017 PROCEDURAL ORDER**

Warren Woodward ("Woodward"), Intervenor in the above proceeding, moves the Arizona Corporation Commission ("ACC") for an Order compelling the Arizona Public

Service Company ("APS") to fully comply with the ACC's February 6, 2017 Procedural Order in this case.

Despite Woodward's good faith attempts over the last three weeks, APS has not answered Woodward's data requests 2.2 and 2.5. See Exhibit A for copies of email communications between Woodward and APS. There were also similar telephone conversations.

At Woodward 2.2, Woodward asked:

> Under what scenarios and **how often does a node meter transmit outside of the daily schedule**, i.e., unscheduled transmission such as on-demand read, tamper/theft alert, last gasp, firmware upgrade etc.? (emphasis added)

As a result of the February 6, 2017 Order, APS responded. After a couple paragraphs describing types of transmissions, APS's response concluded with:

> As these transmissions are performed on an as-needed basis, the number of daily transmissions is variable. APS cannot provide a reasonable estimate of the number of transmissions per day for unscheduled events. However, the meter manufacturers report that, on average, **total Elster meter transmissions (both scheduled and unscheduled) are approximately 17 seconds per day and, for Landis+Gyr meters, are approximately 83 seconds per day**. (emphasis added)

At Woodward 2.5, Woodward asked:

> Under what scenarios and **how often does a gateway meter transmit outside of the daily schedule**, i.e., unscheduled transmission such as on-demand read, tamper/theft alert, last gasp, firmware upgrade etc.?
> (emphasis added)

As a result of the February 6, 2017 Order, APS responded:

> The same types of unscheduled transmissions that may occur for Node Meters may also occur for Elster Gatekeeper Meters. Please see the Company's response to Woodward Question 2.2.
>
> The Landis+Gyr network does not utilize Gatekeeper-type meters.

Note that Woodward asked how often the meters transmit. Woodward did *not* ask for an approximation of the average daily seconds of meter transmissions. Thus, APS did not answer Woodward's data requests 2.2 and 2.5 as ordered.

As can be seen at page 8 of Exhibit A, APS felt that giving Woodward an average time in milliseconds was a good enough answer since it would allow him to divide the average number of seconds provided in APS's supplemental response by the average time of a transmission and arrive at an average total number of transmissions.

There are three major problems with that APS response. 1) Woodward did not ask for averages. 2) Woodward did not ask for a Do-It-Yourself math problem. 3) Most importantly, even after doing the math, it is obvious that APS is not being truthful in its response.

Doing APS's math problem with the numbers supplied by APS (at Exhibit A and in its supplemental response), the total number of daily transmissions for an Elster smart" meter would be 680. That number is no where near reality. At Woodward's youtube video, *APS Caught Lying Again*, an APS "smart" meter can be seen transmitting 53 times in just a minute and a half of measuring. At that rate, the daily total of

microwave transmissions is 50,880.

Doing APS's math problem with the numbers supplied by APS, the total number of daily transmissions for a Landis & Gyr "smart" meter would be 1,729. Again, that number is no where near reality. At Exhibit D of Woodward's December 27, 2016 Motion To Compel, a table of "smart" meter transmissions from the Sacramento Municipal Utility District ("SMUD") is shown. SMUD uses the Landis & Gyr Focus AXR just like APS does (see Exhibit B). SMUD's table shows a possible total number of daily transmissions of 240,396, and an average daily number of 13,381. Obviously, neither of those numbers are anywhere near APS's claim of 1,729 average daily transmissions.

In his final email on this subject, APS attorney Thomas Mumaw informed Woodward that:

> APS has provided all it has. There is nothing more in our possession that relates to the two requests. I'm sorry that you are not satisfied, but I can't just make up something.

It is not believable that APS does not know how often its "smart" meters transmit, or that APS cannot find out. It is more likely that APS has been caught lying and is being evasive as a result. Now that APS is finally under oath on the subject, its feigned ignorance should not be an acceptable excuse, especially since in the past, when APS was not under oath, APS presented its false "smart" meter transmission numbers with certainty and conviction (See page 14 of Woodward's December 27, 2016 Motion To

Compel).

PG&E answered. SMUD answered. APS must be compelled to answer and to fully comply with the ACC's February 6, 2017 Procedural Order in this case. Woodward's Motion to Compel Compliance should be granted. It is axiomatic that a utility regulated by the ACC must obey an Order of the ACC.

Here are two possibilities for resolution and compliance with the ACC's February 6, 2017 Procedural Order. 1) APS agrees to adopt the SMUD numbers as its own for both Elster and Landis & Gyr "smart" meters, and APS apologizes (via a press release, bill insert and the "apsFYI" email newsletter) for misleading the ACC and the public all these years regarding the total number of its "smart" meter transmissions per day. 2) Per Arizona Rules of Civil Procedure # 37(c)(2), APS reimburses Woodward for his costs "caused by the inaccurate or incomplete disclosure" by APS in this matter. Such costs would include hiring a professional radio frequency engineering firm to perform an investigation of the total number of APS "smart" meter transmissions per day. Also, APS apologizes (via a press release, bill insert and the "apsFYI" email newsletter) for misleading the ACC and the public all these years regarding the total number of its "smart" meter transmissions per day.

RESPECTFULLY SUBMITTED this 28th day of February, 2017.

By

Warren Woodward

200 Sierra Road
Sedona, Arizona 86336

Original and 13 copies of the foregoing hand delivered on this 28th day of February, 2017 to:

Arizona Corporation Commission
Docket Control
1200 West Washington Street
Phoenix, Arizona 85007

Copies of the foregoing mailed/e-mailed this 28th day of February, 2017 to:

**Service List**

# EXHIBIT A

- Thomas.Mumaw@pinnaclewest.com
- Feb 21 at 11:55 AM

To

- w6345789@yahoo.com

CC

- Barbara.Smith@aps.com
- Scott.Bordenkircher@aps.com
- Melissa.Krueger@pinnaclewest.com

## Message body

We located a cost/benefit analysis for AMI that we had provided ACC Staff in 2008 although it (the analysis) appears to have been conducted as far back as 2005. This was provided in response to a Staff DR in the first APS rate case encompassing significant investment in AMI. We hope to supplement our response to 2.38 with this analysis today.

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**From:** Warren Woodward [mailto:w6345789@yahoo.com]
**Sent:** Friday, February 17, 2017 11:43 AM
**To:** Mumaw, Thomas L
**Cc:** Smith, Barbara G; Bordenkircher, Scott B; Krueger, Melissa M
**Subject:** Re: Woodward 2.2; 2.5; and 2.8

Hi Mr. Mumaw,

Judge Jibilian ordered APS to answer my questions, so actually you are digging on APS's behalf.

That said, your numbers, whether expressed as seconds, milliseconds, or as actual numbers are no where near reality. That is a major reason why I asked the question the first place. APS has never told the truth about total meter transmissions, and the public has a right to know what they are. I have a right to know what they are via Judge Jibilian's Order. So APS needs to come clean like PG&E and SMUD did. Perhaps if APS is truly at sea on the issue APS could phone PG&E &/or SMUD and ask them how they did it.

Watch the first part of my youtube, *APS Caught Lying Again*. It can be extrapolated from the number of transmissions the Elster made in the video that the Elster in the video is transmitting about 51K times per day.

Last night, using a Gigahertz Solutions HF59B coupled with a data logger, I measured another Elster here in Sedona for about an hour and 1/2. The data logger enables one to download the data collected

onto a computer and see the transmissions on a time graph. I quit counting after 50 minutes worth of data (boring!) when I got to something like 1,608 transmissions which, extrapolated to 24 hours, works out to a number of daily transmissions similar to what is evidenced in the video -- and a number more in line with PG&E's & SMUD's.

Then there is the still missing cost/benefit, Woodward 2.38, mentioned below. I have not heard from you about that.

I need to hear from you on the two matters mentioned above. Am I going to get answers or do I have to go back to Judge Jibilian?

Sincerely,

Warren Woodward

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**From:** "Thomas.Mumaw@pinnaclewest.com" <Thomas.Mumaw@pinnaclewest.com>
**To:** w6345789@yahoo.com
**Cc:** Barbara.Smith@aps.com; Scott.Bordenkircher@aps.com; Melissa.Krueger@pinnaclewest.com
**Sent:** Thursday, February 16, 2017 12:05 PM
**Subject:** RE: Woodward 2.2; 2.5; and 2.8

I have continued to dig on your behalf and have found material from Elster and L&G indicating that the average time for an individual transmission is 25 milliseconds and 48 milliseconds, respectively. From that one could calculate an average number of daily transmissions. The minimum number, of course, is the number of scheduled transmissions, which APS has given you.

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**From:** Warren Woodward [mailto:w6345789@yahoo.com]
**Sent:** Wednesday, February 15, 2017 9:52 PM
**To:** Mumaw, Thomas L
**Cc:** Smith, Barbara G
**Subject:** Re: Woodward 2.2; 2.5; and 2.8

PS - Mr. Mumaw, I am reading APS's supplemental response to Woodward 2.38. While somewhat interesting, the response does not answer the question which was

> Provide APS's original cost/benefit projections for APS's "smart" meter project before APS's first "smart" meter was installed.

The supplemental response is basically status reports for both after, and well after, APS's first "smart" meter was installed.

Did APS not do any cost/benefit projections or analysis before installing its first "smart" meter?

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- Warren Woodward <w6345789@yahoo.com>
- Feb 15 at 1:49 PM

To

- Thomas.Mumaw@pinnaclewest.com

CC

- Barbara.Smith@aps.com

## Message body

Thank you. Re your last point, whoever is telling you what's relevant is wrong. Regardless of that, the ALJ required you to answer my data requests, not to decide what's relevant and what isn't. I'll add that hiding tens of thousands of transmissions by saying they amount to, for example, "only 83 seconds per day," is a well known utility company ploy because it sounds benign compared to, say, 83,000 transmissions per day (each transmission being a millisecond).

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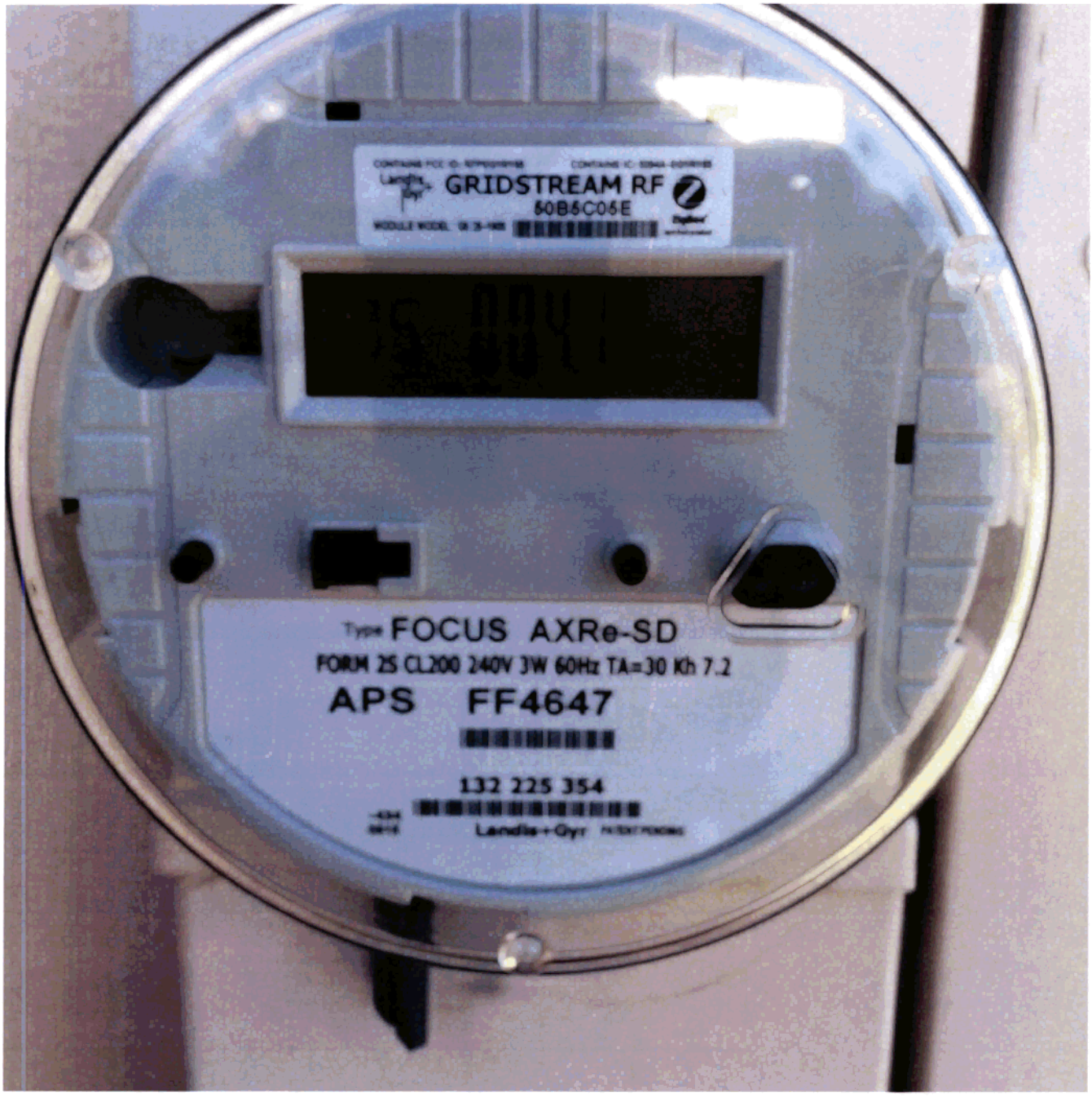
**From:** "Thomas.Mumaw@pinnaclewest.com" <Thomas.Mumaw@pinnaclewest.com>
**To:** w6345789@yahoo.com
**Cc:** Barbara.Smith@aps.com
**Sent:** Wednesday, February 15, 2017 1:13 PM
**Subject:** Woodward 2.2; 2.5; and 2.8

I was able to confirm that the testing of the meter was not in a mesh configuration and did not test for meter characteristics other than EMF. I am still looking for more information on the frequency of non-scheduled as needed transmissions but am told that the only relevant number for determining EMF impact is total duration of daily transmissions rather than frequency of transmissions within the day.

# EXHIBIT B


GRIDSTREAM RF
50B5C05E
Type FOCUS AXRe-SD
FORM 2S CL200 240V 3W 60Hz TA=30 Kh 7.2
APS FF4647
132 225 354
Landis+Gyr


DANGER / PELIGRO
SQUARE D ALL-IN-ONE
Customer Owned Service Equipment
SQUARE D TODO EN UNO
Equipo Comprado Por el Cliente
Type FOCUS AXR-SD EPS
FORM 2S CL200 240V 3W 60Hz TA=30 Kh 7.2
SMUD 2402795
SACRAMENTO MUNICIPAL UTILITY DISTRICT
SERVICE DISCONNECT
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